



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET SUITE 500
DENVER COLORADO 80202 2466

MAY 20 1993

Ref 84WM FF

Mr Richard Schassburger
U S Department of Energy
Rocky Flats Office
P O Box 928
Golden CO 80402 0928

Dear Mr Schassburger

Over the past several months discussions have occurred regarding resolution of regulatory agencies comments on the draft Phase III RCRA Facility Investigation/Remedial Investigation (RFI/RI) Report for Operable Unit 1 (OU 1). It is our understanding that in order to maintain current schedules an agreement has been reached between all parties on the issue of comparisons of RI data to background data for OU 1 and Operable Unit 2 (OU 2). However a difference in scientific opinion remains between EPA and DOE on this issue. Therefore this agreement is in essence a compromise. For the record both our position (enclosure 1) and our understanding of the compromise (enclosure 2) are enclosed. We have no opposition to proceeding with the compromise approach on OU 1 and OU 2.

Since it is likely that the compromise will result in protracted discussions between DOE and EPA on contaminants of concern we recommend that DOE continue its attempts to resolve this issue for subsequent OUs. We have suggested that an expert third party be consulted for a scientific opinion. Provided the opinion is based on a review of the appropriate question the relevant data sets and the positions of both parties EPA intends to give substantial deference to the expert's opinion.

We have been informed by DOE that Dr Richard Gilbert of Pacific Northwest Laboratory may be available for this work. EPA is willing to accept Dr Gilbert as the designated expert.

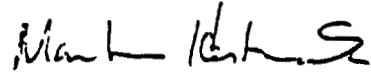
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We are interested in determining the most technically sound way of proceeding on this issue but are also extremely concerned that this matter be settled in an expeditious manner. If DOE agrees to this approach please inform us of a schedule for accomplishing the necessary work. We request your response no later than May 28 1993. Our point of contact on this matter is Bonnie Lavelle at (303) 294 1067.

Sincerely,



Martin Hestmark, Manager
Rocky Flats Project

Enclosures

cc Joe Scheffelin CDH
Garv Baughman CDH
Scott Grace DOE
Paul Singh DOE
Bruce Thatcher DOE
Cindy Gee EG&G